

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COREY M. CARR,

Defendant.

8:09CR435

ORDER

This matter is before the court on the defendant's, Corey M. Carr (Carr), motion for copies (Filing No. 55). This is Carr's third request for copies of the case transcripts, plea colloquy, and other documents pertinent to his case. The court denied Carr's previous motions without prejudice to reassertion after filing a section 2255 petition or other timely motion. **See** Filing No. 52 - Order; Filing No. 54 - Order. The court also noted a one-year period of limitation applies to motions under 28 U.S.C. § 2255. **See** Filing No. 52 - Order (**citing** 28 U.S.C. § 2255(f)). The court entered judgment against Carr on July 14, 2010. **See** Filing No. 48 - Judgment. Carr has not filed a motion for post-conviction relief with this court.

As previously explained, 28 U.S.C. § 2250 contemplates the filing of a motion for collateral review of a conviction before free copies of the record are furnished to the moving party. **See *Chapman v. United States***, 55 F.3d 390, 390-91 (8th Cir. 1995) (stating any request for a free transcript prior to the filing of a section 2255 motion is premature). Accordingly, the court finds Carr's motion should be denied at this time without prejudice to reassertion after filing a section 2255 petition or other timely motion. Carr may request copies from the Clerk of the Court at his own expense. Upon consideration,

**IT IS ORDERED:**

The defendant's motion (Filing No. 55) is denied.

Dated this 6th day of May, 2014.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge